

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 6857 of 2006(N)

PETITIONER:

M/S. NESTLER LIMITED, 201,
NEW BHARAT BUILDING, GHORUPDEO CROSS LANE NO.1,
OFF:RAMBHAU BHOGLE MARG, BYCULLA (EAST)
MUMBAI-400 033, REPRESENTED BY ITS
DIRECTOR, MR.SURESH G. MOTWANI.

BY ADV. SRI.JOSEPH MARKOSE
SRI.BINU MATHEW

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.
 2. THE DISTRICT COLLECTOR,
OLD CUSTOM HOUSE, FORT, MUMBAI-400 023.
 3. THE KERALA STATE ELECTRONICS
DEVELOPMENT CORPORATION LIMITED (KELTRON)
(A GOVT.OF KERALA UNDERTAKING),
KELTRON CONTROL DIVISION, AROOR,
ALAPPUZHA DISTRICT, REP. BY ITS MANAGING DIRECTOR.

BY GOVERNMENT PLEADER SMT.N.SUDHADEVI.
SRI.T.P.KELU NAMBIAR (SR.)
SRI.M.GOPIKRISHNAN NAMBIAR
SRI.JOHN VARGHESE, ASST.SG.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX:

PETITIONER'S EXHIBITS:

EXT.P1- TRUE COPY OF THE APPEAL NO.467/2003 DATED 3-11-2003 FILED BY THE PETITIONER BEFORE THE AAIFR.

EXT.P2-TRUE COPY OF THE NOTICE OF DEMAND DATED 11-11-2005 UNDER SECTION 267 OF THE MAHARASHTRA LAND REVENUE ACT, 1966.

EXT.P2A- THE ENGLISH TRANSLATION OF EXT.P2.

EXT.P3- TRUE COPY OF THE PLAINT IN OS.3/05 FILED BY THE THIRD RESPONDENT BEFORE THE HONOURABLE MUNSIF COURT, CHERTHALA DATED 1ST JANUARY, 2005.

EXT.P4- TRUE COPY OF THE ORDER DATED 21-12-2005 OF THE PROCEEDINGS OF THE HONOURABLE AAIFR.

EXT.P5- TRUE COPY OF THE ORDER DATED 24-2-2005 OF THE HONOURABLE HIGH COURT OF BOMBAY IN COMPANY PETITION NO.163 OF 2004.

EXT.P6- TRUE COPY OF THE LETTER DATED 23-10-2006 ISSUED BY M/S.DHIR & DHIR ASSOCIATES TO THE PETITIONER.

TRUE COPY

P.A.TO JUDGE.

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.6857 of 2006-N

Dated this the 12th day of April, 2007

JUDGMENT

The petitioner has approached this Court seeking the following reliefs:

- i) to direct the respondents to forbear from all further coercive or other proceedings for recovery pursuant to Ext.P2.
- ii). to stay the operation of the attachment effected over the petitioner's property; and
- iii). to direct the 2nd respondent to restore possession of the petitioner's office at New Bharat Building, Ghorupdeo Cross Lane No.1 Off. Rambaug Bhogle Marg, Byculla (E), Mumbai-400033.

Ext.P2 is the notice issued by the second respondent District Collector, Old Custom House, Fort, Mumbai. The attachment of the office of the petitioner is done by the said respondent. The office is located in Mumbai. In view of the above facts, none of the reliefs sought by the petitioner could be granted by this Court. Accordingly, the Writ Petition is dismissed without prejudice to the contentions of the petitioner and its right to move appropriate Forum or Court.

K.BALAKRISHNAN NAIR, JUDGE.

MS